

## REMARKS

Claims 1-10 are under consideration and are the only claims of this application.

The specification is amended to repair the nomenclature of present working Example 18 on page 30. As Example 18 states that the title compound is prepared by the procedure of Example 16 by replacing propyl bromide with 1-6-dibromohexane, it is clear that the correct name of the compound formed is as in the above amended section. The mass spec data is consistent with this.

No new matter is added as a result of the present amendments.

An appendix is attached with a marked-up version of the amended section of the specification. Deletions are shown with strike-through and additions are shown with underlining.

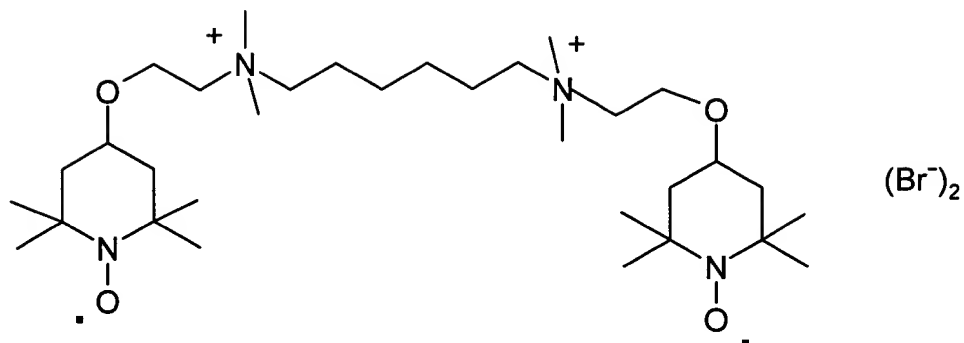
### Restriction under 35 USC 121

Applicants are required under 35 USC 121 to elect a single disclosed specie from present claims 1-10.

In a telephone conversation with Examiner Alvo on June 7, 2001, the undersigned Agent provisionally elected with traverse to elect as the single disclosed specie compounds of the formula VIII of claim 1.

Applicants hereby confirm this election.

For the convenience of the Examiner, Applicants point out that the compound of present Example 18, page 30 of the specification, is an example of a compound that falls under the formula VIII, when  $n = 2$ . The compound (as discussed above) is N,N,N',N'-tetramethyl-N,N'-bis-[2-(1-oxyl-2,2,6,6-tetramethylpiperidin-4-yloxy)-ethyl]-hexamethylenediammonium dibromide, illustrated below:



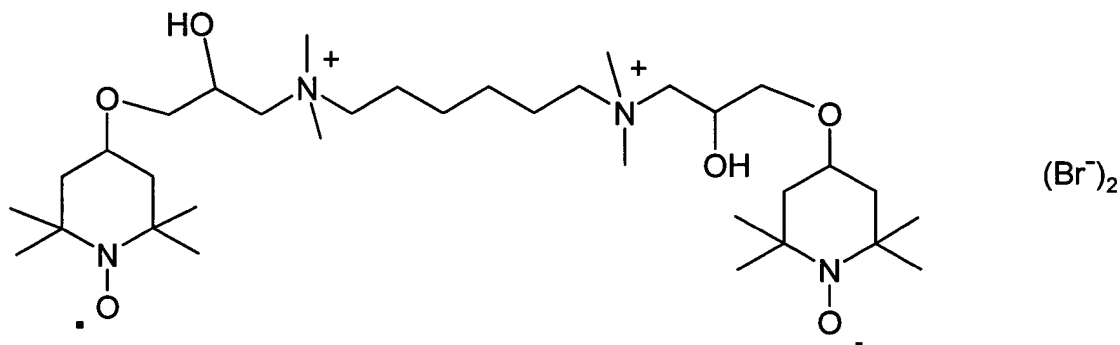
The elected specie of formula VIII reads on all claims 1-10.

Applicants submit that the present election constitutes a complete response to the restriction requirement.

**Claim rejections under 35 USC 102(a) or (e) or 35 USC 103(a)**

Claims 1-10 are rejected under 35 USC 102(a) or (e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over WO 99/05108 (WO '108).

The Examiner alleges that the compound of Example (g) on page 55 of WO '108 is the same as the specific compound offered as an example of the elected specie. Applicants point out that the compound of Example (g) on page 55 of WO '108 is:



There is no overlap of the compound of Example (g) on page 55 of WO '108 with the compounds of the present claims.

Further, there is no possible overlap of compounds of the present claims with those of WO '108.

In light of the fact that there is no possible overlap of the compounds of the present claims with those of WO '108, Applicants submit that the present claims are not anticipated by the disclosure of WO '108, nor can the present claims be obvious over the cited reference.

In light of this discussion, Applicants submit that the 35 USC 102(a) or (e) and the 35 USC 103(a) rejections are addressed and are overcome.

Applicants respectfully request the Examiner to reconsider and to withdraw the present rejections.

Applicants aver that the present claims are in condition for allowance and respectfully request that they be found allowable.

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SEP 19 2001

Respectfully submitted,

**TC 1700**



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Attachments: Appendix to Amendment  
Petition for one month extension of time



CASE A-22082/P2/CGC 2041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
GLEN T. CUNKLE ET AL  
APPLICATION NO: 09/658,924  
FILED: SEPTEMBER 11, 2000  
FOR: CHLOROHYDRIN AND CATIONIC  
COMPOUNDS HAVING HIGH AFFINITY  
FOR PULP OR PAPER

Group Art Unit: 1731

Examiner: M. Alvo

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Commissioner for Patents  
Washington, D.C. 20231

**Appendix to Amendment**

**Marked-up Section of the Specification**

**Example 18**

N,N,N',N'-Tetramethyl-N,N'-bis-[23-(1-oxyl-2,2,6,6-tetramethylpiperidin-4-yloxy)-ethylpropyl]-  
hexamethylenediammonium Dibromide

The title compound is prepared according to the procedure of Example 16 by replacing propyl bromide with 1,6-dibromohexane. A red oil is obtained. MS-FAB m/z 651 (M ion minus Br and plus 2 H).